

**M E M O R A N D U M**

July 23, 2001

**TO:** All Special Education Directors/Coordinators

**FROM:** Randy R. Lazar  
Dispute Resolution Supervisor/  
Liaison for the Review and Compensation Committee  
Exceptional Student Services

**RE:** **Consent Decree**

As a result of the *Dunajski et. al. vs. Lisa Graham Keegan, the State of Arizona, and the Arizona Department of Education* law suit, a Consent Decree was agreed upon between both parties (*See enclosure*). The Consent Decree became official on March 26, 2001 when it was signed by a federal judge in U.S. District Court (Arizona). One provision of the Consent Decree called for the formation of a Review and Compensation Committee (hereafter referred to as the "Committee") to review any submitted claims for compensation. According to the Consent Decree, eligibility for individual compensation is limited to the following:

1. A Claimant must have filed a complaint against their local education agency with the Arizona Department of Education/Exceptional Student Services (ADE/ESS) Division between June 4, 1997 and March 26, 2001.
2. ADE/ESS must have found the local education agency to be in either partial or full noncompliance with state and federal laws relating to the education of students with disabilities.
3. The Claimant was dissatisfied with the local education agency's response to the corrective action contained in the Letter of Findings (from ADE/ESS).

If our office receives any claims, we are required to provide a copy of the claim within ten (10) days of receipt to the Committee. According to the Consent Decree, all claims for compensation must be decided in a timely manner, but in no case longer than six (6) months from the date the claim is received by the Committee. All claims for compensation must be submitted by September 23, 2002.

The Committee will make the final determination regarding claims for compensatory education. The local education agency is responsible for providing any compensatory education or other remedial action ordered by the Committee. Committee determinations will be enforced through the Arizona Department of Education.

You are being provided with a copy of the Consent Decree for information purposes only. In addition, you are being provided with a copy of our complaint procedures, that includes the "Compensatory Education Plan" as an attachment, for your information. You are **not** required to provide or distribute copies of the Consent Decree to the parents who have children attending your school(s). Our office is providing copies of the Consent Decree to those parents who may be eligible to file a claim.

If you have any questions regarding the above information, please feel free to contact me at (602) 364-4003. Thank you very much.

Enclosures